

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

MAYNARD ASHLEY HUTSON,

Plaintiff,

v.

CV 2:24-096

UNITED STATES OF AMERICA,

Defendant.

ORDER

Plaintiff initiated this Federal Tort Claims Act action on August 8, 2024. Dkt. No. 1. On October 18, 2024, Defendant United States of America moved to dismiss Plaintiff's complaint. Dkt. No. 10. On October 29, 2024, Plaintiff filed an amended complaint. Dkt. No. 12. For the reasons below, Defendant's motion to dismiss is **DENIED as moot**.

LEGAL STANDARD

A party may amend its pleading once as a matter of course "within 21 days after serving it" or, "if a responsive pleading is required, within 21 days after service of a responsive pleading or motion under Rule 12(b), (e), or (f) [of the Federal Rules of Civil Procedure], whichever is earlier." Fed. R. Civ. P. 15(a)(1). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer

a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").


DISCUSSION

Plaintiff timely filed his amended complaint as a matter of course pursuant to Rule 15(a)(1). Further, Plaintiff's amended complaint supersedes his original complaint. Defendant's motion to dismiss the original complaint, dkt. no. 10, has thus been rendered moot by Plaintiff's filing of his amended complaint. Should Defendant wish to renew its motion to dismiss with regard to the amended complaint, it is granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

Defendant's motion to dismiss the original complaint, dkt. no. 10, as well as Defendant's motion to stay, dkt. no. 11, are **DENIED as moot.**

SO ORDERED, this 6th day of November, 2024.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA